

BRACEWELL

October 15, 2021

VIA ELECTRONIC MAIL AND U.S. MAIL

Mr. Kenneth Talton, Enforcement Officer
Superfund Enforcement Assessment Section (SEDAE)
U.S. EPA, Region 6
1201 Elm Street
Dallas, Texas 75270
talton.chuck@epa.gov

**Re: Star Lake Canal Superfund Site located in and around the cities of Port Neches and Groves,
Jefferson County, Texas; CERCLIS # TX0001414341
Response to June 28, 2021 CERCLA 104(e) Information Request to INEOS Calabrian Corporation**

Dear Mr. Talton:

This letter and its attachments (the "Response") are hereby submitted in response to the above-referenced information request issued by the U.S. Environmental Protection Agency ("EPA") to INEOS Calabrian Corporation, *fka* Calabrian Corporation ("INEOS"), pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e) (the "Request").

The Request, which is dated June 28, 2021, requires a response to be provided within thirty (30) calendar days of receipt. However, by email dated July 16, 2021, Mr. Edwin Quinones, Assistant Regional Counsel, EPA Region 6, informed INEOS that an extension of time to respond had been granted until September 14, 2021. Subsequently, by email dated August 30, 2021, Mr. Quinones informed INEOS that an additional extension until September 30, 2021 had been granted. Finally, by email dated September 30, 2021, Mr. Quinones informed INEOS that a third extension had been granted until October 15, 2021. INEOS appreciates EPA's patience, which has allowed for the time necessary to ensure that the Response is complete, responsive, and hopefully useful to EPA.

The Response is divided into several sections – General Objections, General Qualifications, Specific Objections to Instructions and Definitions, Reservation of Rights and Defenses, and Response to Information Request. The Response to Information Request is further divided into two subsections – Overview of Key Legal and Factual Issues and Responses to Specific Information Requests.

I. General Objections

INEOS makes the following General Objections to the Request, and incorporates these General Objections into each of the responses that follow. In addition, and without waiver of these General Objections, specific objections to each individual request are also included.

Matthew G. Paulson
Partner

T: +1.512.494.3659 F: +1.800.404.3970
111 Congress Avenue, Suite 2300, Austin, Texas 78701-4061
matthew.paulson@bracewell.com bracewell.com

1. INEOS objects to the Request to the extent that it: (a) is overly broad; (b) is vague or ambiguous; (c) is unduly burdensome; (d) contains redundant requests; (e) seeks information that may be derived or ascertained from documents identified and made available by INEOS; (f) seeks information that is otherwise in the public record; or (g) seeks information already in EPA's possession.
2. INEOS objects to the Request to the extent it seeks information that is not authorized or required to be furnished under Section 104(e) of CERCLA and is not relevant to the stated purpose of the Request or within the scope of information required to be made available under Section 104(e) of CERCLA.
3. INEOS objects to the Request to the extent it seeks undocumented information, including descriptions of oral communications, discussions, conversations, and agreements, as well as individuals' awareness of events and circumstances.
4. INEOS objects to the Request to the extent it seeks information that is not kept in INEOS's regular course of business or required to be kept by any applicable state or federal law, regulation, or permit.
5. INEOS objects to the Request to the extent it purports to obligate INEOS to supplement its Response with additional information for an indefinite period of time, as such an obligation is overly burdensome, unreasonable, and not authorized or required by Section 104(e) of CERCLA.
6. INEOS objects to the Request to the extent it calls for information or documents that are protected under the attorney-client privilege, the attorney work product doctrine, the joint defense privilege, the self-evaluation privilege, right of privacy laws, and/or any other applicable privilege or protection.
7. INEOS objects to the Request to the extent it seeks to impose on INEOS an obligation to seek or obtain information or documents from third persons or in the public record, or which otherwise are not in INEOS's possession, custody, or control.
8. INEOS objects to the Request to the extent it is arbitrary and capricious, an abuse of discretion, and/or without basis in law.
9. INEOS objects to the Request to the extent it calls for an expert opinion.
10. INEOS objects to the Request to the extent it calls for a legal conclusion.

Without waiving or limiting the foregoing General Objections, INEOS has attempted to respond to the Request as completely and accurately as possible based on information presently available.

II. General Qualifications

INEOS makes the following General Qualifications to its Response, and incorporates these General Qualifications into each of the responses that follow. In addition to these General Qualifications, specific assumptions are made as necessary to respond to each individual request.

1. INEOS is providing this Response based on its actual present knowledge and is including information and documents that have been identified through a reasonably thorough review of relevant files and reasonable inquiries to the INEOS employees most likely to have relevant knowledge.
2. INEOS reserves the right to supplement and revise this Response and reserves the right to assert additional objections as it continues to evaluate the Request.
3. The information and documents provided herein represent INEOS's good-faith efforts to satisfy broad and complex requests within a short timeframe. As a result, some of the information or documents provided may at some point require supplementation or further clarification.
4. INEOS reserves its rights related to the inadvertent inclusion in this Response of any information or documents protected under the attorney-client privilege or the attorney work product doctrine. Under Federal Rule of Evidence 502, the disclosure of such information does not operate as a waiver in a federal or state proceeding if: (1) the disclosure is inadvertent; (2) the company took reasonable steps to prevent the disclosure; and (3) the company takes reasonable steps to rectify the error. FED. R. EVID. 502(b). In accordance with the Judicial Conference Advisory Committee on Evidence Rules, the rule applies to inadvertent disclosures made to a federal office or agency, including an agency that is acting in the course of its regulatory, investigative, or enforcement authority. Explanatory Notes, Rule 502, Judicial Conference Advisory Committee on Evidence Rules, revised Nov. 28, 2007.

Accordingly, please immediately notify INEOS if you discover information in this Response that suggests that the document or information in question is subject to the attorney-client privilege or is protected under the attorney work product doctrine.

Subject to the foregoing General Qualifications, INEOS has attempted to respond to the Request as completely and accurately as possible based on information presently available.

III. Specific Objections to Instructions and Definitions

Without waiving or limiting its General Objections or General Qualifications, INEOS makes the following Specific Objections to the Definitions and Instructions, and to all requests which incorporate the Definitions or rely on operative terms in the Instructions.

1. INEOS objects to Instruction No. 3 on the following grounds: (i) CERCLA Section 104(e) does not impose a continuing duty to update past information submitted to EPA; (ii) it is unreasonable to impose an open-ended duty to update the Response without a clear and reasonable schedule for periodic review and an appropriately limited universe of information to be considered in updating the Response; (iii) INEOS may in the future, as the result of expressly stated regulatory schedules, and for other purposes, file reports with EPA, with delegated state agencies, or in other contexts in which EPA already has access to such reports; and (iv) INEOS's Response may include particular documents containing information that is both (a) relevant and material to the stated purpose of the Request and (b) neither relevant nor material to the stated purpose of the Request; efforts by INEOS to review and update such information would not be meaningful and would not

appropriately be tied to the purpose of the Request and EPA's information gathering authority under Section 104(e) of CERCLA.

2. INEOS objects to Instruction No. 4 because it is unduly burdensome and time-consuming, as well as unnecessary. However, INEOS has Bates-labeled each document produced and is producing the responsive documents to EPA such that individual Bates ranges correspond to specific requests/subparts.
3. INEOS objects to Instruction No. 7 because an objection to any particular question could set forth the reason why a response is not possible; for example, where a request is vague and ambiguous and therefore it is not reasonable to provide a response.
4. INEOS objects to the definition of "'document(s)' or 'documentation'" because it is vague and ambiguous, unduly burdensome, and overbroad. Because of the breadth of the definition, particularly when paired with specific requests calling for "all documents," compliance with the definition's literal terms would be impossible.
5. INEOS objects to the definition of "hazardous material" because it incorporates other defined terms that are vague and ambiguous.
6. INEOS objects to the definition of "hazardous substance" because it is vague and ambiguous. The definition first states that it shall have the same meaning as the CERCLA definition, but then the statutory definition is significantly altered. This definition is confused further by Definitions 21 and 22 (which are identical), which provide that where terms are defined by statute, the statutory definition shall apply (*i.e.*, not the statutory definition with a significant alteration).
7. INEOS objects to the definition of "hazardous waste" because it is vague and ambiguous in that it provides that it shall have the same meaning as two separate (and significantly different) definitions – the statutory definition and the regulatory definition.
8. INEOS objects to the definition of "identify," with respect to a corporation, partnership, business trust, or other association or business entity, because it is vague and ambiguous. Corporations (and all other business entities) are fictional legal constructs that, unlike natural persons, do not typically have e-mail addresses.
9. INEOS objects to the definition of "material(s)" because it is vague and ambiguous in that it is incorporated into another defined term, further confusing that definition.
10. INEOS objects to the definition of "operator" because it is vague and ambiguous in that it is in conflict with the statement in Definitions 21 and 22. "Owner or operator" is a defined term under CERCLA. Definitions 21 and 22 provide that where a term is defined in CERCLA, the statutory definition shall apply. The CERCLA definition of "owner or operator" is over two pages long; the definition of "operator" in the Request is one sentence.
11. INEOS objects to the definition of "owner" because it is vague and ambiguous in that it is in conflict with the statement in Definitions 21 and 22. "Owner or operator" is a defined term under CERCLA. Definitions 21 and 22 provide that where a term is defined in CERCLA, the statutory definition

shall apply. The CERCLA definition of "owner or operator" is over two pages long; the definition of "owner" in the Request is one sentence.

12. INEOS objects to the definition of "'pollutant' or 'contaminant'" because it is vague and ambiguous in that it first provides that such term will have the same definition as the statutory definition, but then proceeds to change the statutory definition in substantive ways. The definition is confused further by Definitions 21 and 22, which provide that where terms are defined by statute, the statutory definition shall apply (*i.e.*, not the statutory definition with a significant alteration).
13. INEOS objects to the definition of "release" because it is vague and ambiguous. The definition first states that it shall have the same meaning as the CERCLA definition, but then subsequently the statutory definition is significantly altered. This definition is further confused by Definitions 21 and 22, which provide that where terms are defined by statute, the statutory definition shall apply (*i.e.*, not the statutory definition with a significant alteration).
14. INEOS objects to the definition of "'Site' or 'Facility'" because it is vague and ambiguous, and as applied throughout the Request, nonsensical.
15. INEOS objects to the definition of "solid waste" because it states that it will have the same meaning as two, significantly different definitions – the Resource Conservation and Recovery Act's statutory definition of "solid waste" and the much more expansive regulatory definition.
16. INEOS objects to the definition of "'you' or 'your' or 'Respondent' or 'you'" because it is vague and overbroad in that it includes people or entities that are outside the control of INEOS, including, but not limited to, unnamed successors, assigns, and agents. INEOS further objects to this definition in that it is redundant.
17. INEOS objects to the identical statements included as Definitions 21 and 22 because they are vague and ambiguous in that they provide that where a term is defined under statute or regulation, the statutory *or* regulatory definition shall apply, even though they are often different (with the latter generally expanding on the former).
18. INEOS objects to each Definition to the extent that it is inconsistent with applicable law, regulation, guidance, and interpreting court decisions.
19. INEOS objects to any Definition that requires it to make a legal conclusion in its response.

Without waiving or limiting the foregoing Specific Objections to Instructions and Definitions, INEOS has attempted to respond to the Request as completely and accurately as possible based on information presently available.

IV. Reservations of Rights and Defenses

Without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, or any request-specific objections, INEOS respectfully reserves all rights and defenses available in law or equity.

V. Response to Information Request

A. Overview of Key Legal and Factual Issues

Subject to the General Qualifications, any request-specific assumptions, and the Reservations of Rights and Defenses, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, and any request-specific objections, INEOS believes that presenting an initial overview of the key legal and factual issues would be helpful to EPA.

1. EPA Made Three Significant and Highly Relevant Conclusions in Support of its 2013 ROD

As the Request notes, EPA issued its Record of Decision ("ROD") for the Star Lake Canal Superfund Site ("Superfund Site") on September 30, 2013. The ROD includes the following three conclusions, each of which is highly relevant to the stated purpose of the Request – *i.e.*, to determine whether INEOS is responsible or potentially responsible for response activity at the Superfund Site:

"Historical unpermitted discharges have resulted in the deposition of a number of chemicals at the [Superfund] Site." ROD at 9.1 (emphasis added).

"The effluent from . . . the Calabrian facility . . . is discharged . . . in accordance with a Texas Pollutant Discharge Elimination System ["TPDES"] permit." *Id.* (emphasis added).

"Therefore, it is not likely that the [Superfund] Site would receive additional significant contamination as a result of future industrial discharges." *Id.* (emphasis added).

We will refer back to these three important EPA conclusions, upon which the Superfund Site's ROD was based, throughout this Response.

2. INEOS Already Settled Any Alleged CERCLA Liability Associated With the Star Lake Canal Superfund Site

As noted above, EPA concluded in support of its ROD for the Superfund Site that historical unpermitted discharges caused the contamination of the Superfund Site, and that INEOS's discharges are permitted and therefore should not contribute to such contamination. However, even if EPA had never made any of those important conclusions, INEOS already settled any alleged CERCLA liability associated with the Superfund Site with EPA.

Specifically, INEOS settled any alleged CERCLA liability associated with the Superfund Site by an agreement with EPA dated January 4, 2007 ("EPA Settlement Agreement"). The EPA Settlement Agreement provides that subject only to certain specific reservations of rights by EPA, "EPA covenants not to sue or to take administrative action against Settling Party pursuant to Sections 106 and 107(a) of CERCLA . . . with regard to the Site." EPA Settlement Agreement at 7. The reservation of rights provides, in relevant part, that EPA reserves all rights against the settling party with respect to "liability, based . . . upon . . . disposal . . . of a hazardous substance or solid waste at or in connection with the Site, after signature of this Agreement by Settling Party." *Id.* at 6-7. Accordingly, EPA cannot pursue any action for alleged CERCLA liability against INEOS related to the Star Lake Canal Superfund Site for any alleged releases prior to January 4, 2007.

As the Request notes, the 1997 Screening Site Inspection and the 1999 Expanded Site Inspection, upon which the 2000 listing of the Star Lake Canal Superfund Site on the National Priorities List was based, all

occurred well before January 4, 2007. And, with respect to alleged CERCLA liability after that date, as noted above, EPA concluded in support of its ROD for the Superfund Site that INEOS's discharges are permitted and therefore should not contribute to contamination at the Superfund Site.

3. All Discharges Subject to the Plant's TPDES Permit Are Exempt from CERCLA Liability

As noted above, not only did EPA conclude, in support of its ROD for the Superfund Site, that INEOS's discharges are permitted and therefore should not contribute to contamination at the Superfund Site, but to the extent INEOS ever had any alleged CERCLA liability, INEOS already settled any such alleged liability with EPA. However, even if EPA had neither reached such a conclusion nor already settled with INEOS, any releases from INEOS's inorganic chemical manufacturing plant (the "Plant") are federally permitted, and therefore exempt from CERCLA liability.

As you are aware, CERCLA provides an exemption from release reporting and liability for "federally permitted releases." 42 U.S.C. § 9607(j). Specifically, CERCLA exempts federally permitted releases from the obligation to notify the National Response Center of a release of a reportable quantity (42 U.S.C. § 9603(a)) and establishes an affirmative defense to liability for response costs or damages (42 U.S.C. § 9607(j)). The Fifth Circuit has observed that, despite its broad applicability to releases, "even CERCLA has exclusions from its coverage." *Barnes ex. rel. Estate of Barnes v. Koppers, Inc.*, 534 F.3d 357 363 (5th Cir. 2008). The Fifth Circuit further observed that "the liability provisions of CERCLA § 9607 disallow a contribution action stemming from any 'federally permitted release,' which is defined as a discharge pursuant to a permit issued under any of a variety of federal environmental laws [including Section 402 of the Clean Water Act]." *Id.* at 363 n. 5. Finally, EPA has devoted an entire webpage to the scope of the federally permitted release exemption, wherein EPA specifically states that "[r]eleases that are federally permitted are exempt not only from [release reporting] requirements, *but from CERCLA liability as well.*"¹

Even if a facility exceeds an effluent limitation in a TPDES permit, that exceedance still qualifies as a "federally permitted release" and is not subject to the liability provisions of CERCLA. CERCLA's definition of "federally permitted releases" includes "discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the [Clean Water] Act and subject to a condition of such permit." 42 U.S.C. § 9601(10)(B). Effluent limitations are "conditions" of TPDES permits, and even though exceedances may occur, such discharges remain "subject to" the conditions of the TPDES permit. In fact, earlier this year the Third Circuit held, in the context of a Clean Air Act permit, that exceedances of an emissions limitation were nevertheless a federally permitted release and therefore exempt from CERCLA liability and reporting requirements. *Clean Air Council v. U.S. Steel Corp.*, 4 F.4th 204, 210 (3rd Cir. 2021).

Accordingly, INEOS is not and cannot be liable under CERCLA for discharges subject to its TPDES permit, which, as EPA concluded in the ROD for the Superfund Site, all discharges from the Plant are.

B. Responses to Specific Information Requests

The following includes each numbered EPA request/subpart (in italics) followed by INEOS's specific response. The numbered requests correspond to the numbers in Enclosure 3 of the Request.

¹ Available at <https://www.epa.gov/epcra/scope-federally-permitted-release-exemption> (last visited September 24, 2021) (emphasis added).

GENERAL INFORMATION CONCERNING RESPONDENT

REQUEST 1

1. *Provide the full legal name and mailing address of the Respondent.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous, overly broad, unduly burdensome, redundant, and nonsensical, especially when considered in light of the definition of "'you' or 'your' or 'Respondent' or 'you,'" which itself is vague, overly broad, unduly burdensome, and nonsensical. A literal reading of this request, when read in light of this definition, would require INEOS to provide the full legal name and mailing address of every officer, manager, employee, contractor, "tastes," partner, successor, and agent, some of which would be unduly burdensome, some of which would have no relevance to the purpose of the Request, and some of which are nonsensical, and therefore impossible to comply with.

However, in order to facilitate EPA's review, we are assuming that EPA's intent with regard to this specific request was limited to the legal name and mailing address of the addressee of the Request – *i.e.*, INEOS Calabrian Corporation.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, and the objections to this specific request, INEOS responds as follows:

INEOS Calabrian Corporation, 1521 Green Oak Pl, Kingwood, Texas 77339.

REQUEST 2

2. *Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.*

RESPONSE

INEOS objects to this specific request because it is vague and confusing. It is unclear what information request or requests "the answer" refers to. The Request is made up of multiple questions/requests, and the Response will therefore necessarily involve multiple answers as opposed to a single "answer." In addition, in some cases, the records we are providing in response to the Request may speak for themselves as to their author(s) or provenance. In all other instances, INEOS does not believe that CERCLA Section 104(e) authorizes EPA to impose this direction and accordingly objects to providing such information.

However, in order to facilitate EPA's review, we are reasonably limiting our response to this specific request to those persons directly involved in preparation of the Response.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the reasonable limitation noted above, and without waiving or limiting the General Objections, the Specific

Objections to Instructions and Definitions, and the objections to this specific request, INEOS responds as follows:

| Full Name | Title | Business Address | Business Telephone No. |
|-------------------|---|--|------------------------|
| Mark Screen | Plant Manager, INEOS Calabrian | 5500 HWY 366 Port Neches, TX 77561 | 409.727.1471, ext. 140 |
| Roberto Gutierrez | Manager, Engineering, Technology & Quality, INEOS Calabrian | 5500 HWY 366 Port Neches, TX 77561 | 409.727.1471, ext. 300 |
| Elizabeth Keeneth | Chief Operating Officer, INEOS Calabrian | 1521 Green Oak Pl Suite 200 Kingwood, TX 77339 | 614.264.3632 |

REQUEST 3

3. *If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.*

RESPONSE

INEOS objects to this specific request because it incorporates a definition that is vague, ambiguous, and nonsensical.

However, in order to facilitate EPA's review, we are assuming that EPA's intent was to provide INEOS with the option to designate a representative to receive communications regarding the Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, and the objection to this specific request, INEOS responds as follows:

Elizabeth Keeneth, Chief Operating Officer, INEOS Calabrian, 1521 Green Oak Pl, Suite 200, Kingwood, TX 77339, 614.264.3632.

REQUEST 4

4. *If Respondent is a business, please give a brief description of the nature of the business.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous.

However, in order to facilitate EPA's review we assume that EPA's intent was to limit "Respondent" to the entity the Request was addressed to – INEOS Calabrian Corporation.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, and the objection to this specific request, INEOS responds as follows:

INEOS Calabrian is a manufacturer of ultra pure sulfur dioxide and its derivatives through its proprietary SO₂Clean® process, which reacts sulfur and pure oxygen to produce ultra pure SO₂.

REQUESTS FOR DOCUMENTS

UNNUMBERED INSTRUCTION

Please identify (see Definitions) and provide copies of all documents (see Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question.

RESPONSE

INEOS objects to this additional instruction ("Additional Instruction Objection") because it is vague and confusing, overly burdensome, unreasonable, and not authorized or required by Section 104(e) of CERCLA. In addition, because of its breadth, particularly the instruction to provide "all documents," compliance with this instruction's literal terms would be impossible. Finally, based on use of the word "above," it would appear to only apply to the several questions that preceded this additional instruction, even though it is placed at the beginning of a new portion of the Request.

SECTION 1

REQUEST 1

1. *Do you and/or any of your associated entities have or have ever had a corporate relationship with Calabrian Corporation ("Calabrian")?*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous. INEOS further objects to this specific request because it is overly broad in that, depending on how the undefined term "associated entities" is interpreted, it could require INEOS to poll representatives of the approximately 500 companies within the INEOS Group, despite the incredibly high likelihood that every single one of them would answer in the negative. Finally, as applied to the addressee of the Request – INEOS Calabrian Corporation – it is nonsensical because an entity cannot have a relationship with itself.

However, in order to facilitate EPA's review, we assume that EPA's intent was focused on the specific addressee of the Request – INEOS Calabrian Corporation.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the

General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS Calabrian Corporation was formerly known as Calabrian Corporation.

SUBPART 1.a.

- a. If so, explain your corporate relationship and provide all corporate documentation with respect to your corporate relationship with Calabrian Corporation.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, and because it includes the undefined terms "corporate documentation" and "corporate relationship" that are also vague and ambiguous. INEOS further objects to this specific request because it is overly broad and unduly burdensome in that it could be interpreted to require INEOS to produce every document in its possession, custody, or control, regardless of relevance. Finally, as applied to the addressee of the Request – INEOS Calabrian Corporation – it is nonsensical because an entity cannot have a relationship with itself.

However, in order to facilitate EPA's review, we assume that EPA's intent was focused on the specific addressee of the Request – INEOS Calabrian Corporation.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS Calabrian Corporation was formerly known as Calabrian Corporation. After the stock in Calabrian Corporation was acquired by INEOS Enterprises US Newco LLC by way of a Stock Purchase Agreement entered into with SK Capital Partners on August 1, 2016, the name of the acquired entity was changed from Calabrian Corporation to INEOS Calabrian Corporation.

REQUEST 2

- 2. Did you or any of your associated entities assume or acquire any of Calabrian Corporation's assets and/or liabilities?*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, and because it includes the undefined term "associated entities" that is also vague and ambiguous. Finally, as applied to the addressee of the Request – INEOS Calabrian Corporation – it is nonsensical because an entity cannot acquire its own assets or assume its own liabilities.

However, in order to facilitate EPA's review, we assume that EPA's intent was focused on determining what, if any, entity currently holds the assets and/or liabilities of Calabrian Corporation, in particular the environmental liabilities of Calabrian Corporation.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS Calabrian Corporation did not assume or acquire any of Calabrian Corporation's assets and liabilities, including any Calabrian Corporation environmental liabilities, because it already had them in that INEOS Calabrian Corporation and Calabrian Corporation are one and the same.

SUBPART 2.a.

- a. If so, list and describe all assets and any liabilities that you or any of your associated entities assumed and/or acquired from Calabrian Corporation.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, and because it includes the undefined term "associated entities" that is also vague and ambiguous. INEOS further objects to this specific request as applied to the addressee of the Request – INEOS Calabrian Corporation – because an entity cannot acquire its own assets or assume its own liabilities. Finally, INEOS objects to this specific request in that it is overly broad and unduly burdensome because it could be interpreted to require INEOS to list out every single asset it held on August 1, 2016 that it still holds today, and every single liability it was subject to on August 1, 2016 that it is still subject to today.

However, in order to facilitate EPA's review, we assume that EPA's intent was focused on determining what, if any, entity currently holds the assets and/or liabilities of Calabrian Corporation, in particular the environmental liabilities of Calabrian Corporation.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

N/A (although as noted above, INEOS Calabrian Corporation did not assume or acquire any of Calabrian Corporation's assets and liabilities, including Calabrian Corporation's environmental liabilities, because it already had them in that INEOS Calabrian Corporation and Calabrian Corporation are one and the same).

REQUEST 3

- 3. Did you or any of your associated entities purchase or merge with Calabrian Corporation? If so, provide the following:*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, and because it includes the undefined term "associated entities" that is also vague and ambiguous. INEOS further objects to this specific request because as applied to the addressee of the Request – INEOS Calabrian Corporation – it is nonsensical because an entity cannot purchase or merge with itself.

However, in order to facilitate EPA's review, we assume that EPA's intent was focused on determining what, if any, entity currently holds the assets and/or liabilities of Calabrian Corporation, in particular the environmental liabilities of Calabrian Corporation.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

As noted above, Calabrian Corporation was acquired by INEOS Enterprises US Newco LLC by way of a Stock Purchase Agreement on August 1, 2016.

SUBPART 3.a.

- a. Copies of all documents, including but not limited to contracts and agreements concerning the transaction in which INEOS Enterprises purchased or merged with Calabrian Corporation.*

RESPONSE

INEOS objects to this specific request because it includes the undefined term "concerning," which is vague and ambiguous, and because it is overly broad and unduly burdensome in that it requests "all documents," which in a corporate transaction of any significance includes thousands of documents. INEOS further objects to this specific request as it pertains to the Stock Purchase Agreement noted above because providing it to EPA would cause the INEOS entity that acquired the stock to violate its confidentiality agreement with the sellers, subjecting it to a breach of contract claim.

However, in order to facilitate EPA's review, we assume that EPA's intent was focused on determining what, if any, entity currently holds the assets and/or liabilities of Calabrian Corporation, in particular the environmental liabilities of Calabrian Corporation.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS Enterprises US Newco LLC cannot be compelled to subject itself to civil liability by breaching its confidentiality agreement with the sellers. However, because INEOS Calabrian Corporation and Calabrian Corporation are one and the same, and as a result, INEOS Calabrian Corporation holds the assets and is subject to the liabilities of Calabrian Corporation (because

they are one and the same), producing the Stock Purchase Agreement is not reasonably necessary.

REQUEST 4

4. *Were you or any of your associated entities involved in any of Calabrian Corporation's day-to-day operations from October 9, 2006 to August 2, 2016?*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, and because it includes the undefined term "associated entities" that is also vague and ambiguous. INEOS further objects to this specific request because as applied to the addressee of the Request – INEOS Calabrian Corporation – it is nonsensical because an entity is involved in its own day-to-day operations. More importantly, INEOS further objects to this specific request because as applied to parent corporations or shareholders it calls for a legal conclusion.

However, in order to facilitate EPA's review, the following response assumes that "you or your" refers to INEOS Calabrian Corporation, "associated entities" refers to the INEOS entity that acquired the stock in INEOS Calabrian Corporation – INEOS Enterprises US Newco LLC – and the addition of one day beyond the date of the Stock Purchase Agreement was inadvertent.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS Calabrian Corporation, the owner/operator of the Plant, is obviously involved in the day-to-day operations of the Plant during the specific time period referenced because INEOS Calabrian Corporation and Calabrian Corporation are one and the same. However, INEOS Enterprises US Newco LLC, either on August 1, 2016, August 2, 2016, or at any time thereafter, was not (and has never been) involved in the day-to-day operations of the entity in which it acquired stock – *i.e.*, INEOS Calabrian Corporation. And for that matter, no other INEOS Group entity has ever been involved in the day-to-day operations of INEOS Calabrian Corporation. Only INEOS Calabrian Corporation is involved in the day-to-day operations of INEOS Calabrian Corporation.

SUBPART 4.a.

- a. *If so, describe your and/or any of your associated entities role in such day-to-day operations.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, and because it includes the undefined term "associated entities" that is also vague and ambiguous. INEOS further objects to this specific request because as applied to the addressee of the Request – INEOS Calabrian Corporation – it is nonsensical because an entity is involved in its own day-to-day

operations. More importantly, INEOS further objects to this specific request because as applied to parent corporations or shareholders it calls for a legal conclusion.

However, in order to facilitate EPA's review, the following response assumes that "you or your" refers to INEOS Calabrian Corporation, "associated entities" refers to the INEOS entity that acquired the stock in INEOS Calabrian Corporation – INEOS Enterprises US Newco LLC – and the addition of one day beyond the date of the Stock Purchase Agreement was inadvertent.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS Calabrian Corporation, the owner/operator of the Plant, is involved in every aspect of the day-to-day operations of the Plant. No other INEOS Group entity, including, but not limited to, INEOS Enterprises US Newco LLC, has ever been involved in the day-to-day operations of the Plant.

REQUEST 5

5. *Have you or any of your associated and/or related entities in any way been involved with or conducted any business at the Site?*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, and because it includes the undefined term "associated and/or related entities" that is also vague and ambiguous. INEOS further objects to this specific request because the definition of "Site or Facility" is nonsensical.

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the defined term "Site," was to refer to the Superfund Site, and not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS has never conducted any business at the Superfund Site. INEOS's only involvement with the Superfund Site was entering into the EPA Settlement Agreement, which resolved any alleged CERCLA liability.

SUBPART 5.a.

- a. *If so, please describe your and/or any of your associated entities involvement with the Site.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, because it includes the undefined term "associated entities" that is also vague and ambiguous, and because it jettisons the undefined term "associated and/or related entities," used in the main request, in favor of the undefined term "associated entities," used in preceding requests/subparts, creating significant additional vagaries and ambiguities. INEOS further objects to this specific request because the definition of "Site or Facility" is nonsensical.

However, in order to facilitate EPA's review, the following response assumes that EPA's intent in using the defined term "Site" was to refer to the Superfund Site, and not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

As noted above in the response to Request 5, INEOS's only involvement with the Superfund Site was entering into the EPA Settlement Agreement, which resolved any alleged CERCLA liability.

SUBPART 5.b.

b. Provide copies of documents related to any involvement with the Site.

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous. INEOS further objects to this specific request because the definition of "Site or Facility" is nonsensical.

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the defined term "Site," was to refer to the Superfund Site, and not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

Information responsive to this specific request is Bates-labeled EPA-INEOS-104(e)-00001 through EPA-INEOS-104(e)-00014.

SECTION 2

REQUEST 1

1. *Identify all parent corporations and all subsidiaries of the Respondent.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates a defined term, the definition of which is itself vague and ambiguous, and because it includes the undefined terms "parent corporations" and "subsidiaries," which are also vague and ambiguous. INEOS further objects to this specific request because it is overly broad and unduly burdensome.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS Calabrian Corporation is a company within INEOS Group. INEOS Group is a global chemical company made up of 36 different businesses, operating approximately 200 sites in 29 countries. There are approximately 500 companies within the INEOS Group and it is neither necessary, relevant, nor practical to list all of them, especially when one considers the significant additional burden associated with the definition of "identify" with respect to a business entity.

REQUEST 2

2. *Identify all the prior owners and operators of the Facility, if known to you. Include the following information for each prior owner and/or operator:*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous. INEOS further objects to this specific request because the definition of "Site or Facility" is nonsensical.

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the defined term "Facility," was to refer to the Plant, not the Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

To the best of our knowledge, Calabrian Corporation purchased the Plant from Chemall, Inc. in the late 1980s, and then SK Capital Partners acquired a majority interest in Calabrian Corporation in 2011.

SUBPART 2.a.

a. The date of ownership and/or operation;

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous. INEOS further objects to this specific request because the definition of "Site or Facility" is nonsensical.

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the defined term "Facility," was to refer to the Plant, not the Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

To the best of our knowledge, Calabrian Corporation purchased the Plant from Chemall, Inc. in the late 1980s, and then SK Capital Partners acquired a majority interest in Calabrian Corporation in 2011.

SUBPART 2.b.

b. The nature of their ownership or operation of the Facility; and

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous, and because it incorporates the undefined term "nature of," which is also vague and ambiguous. INEOS further objects to this specific request because the definition of "Site or Facility" is nonsensical.

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the defined term "Facility," was to refer to the Plant, not the Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumption necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS has no first-hand knowledge regarding the operations conducted by Chemall, Inc. during its period of ownership. At the time immediately prior to INEOS Enterprises US Newco LLC's acquisition of the stock in Calabrian Corporation, the operations conducted by Calabrian Corporation were substantially similar to the operations currently conducted by INEOS Calabrian Corporation.

SUBPART 2.c.

- c. All evidence that a hazardous substance was released from the Facility into the Site during the period that they owned or operated the Facility from January 4, 2007 to the present.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous. INEOS further objects to this specific request because the definition of "Site or Facility" is nonsensical in that, if interpreted literally, this request would require INEOS to opine on releases from the Superfund Site to the Superfund Site. INEOS further objects to this request in that it calls for a legal conclusion. Finally, INEOS objects to this request because it is overly broad and unduly burdensome.

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the term "Facility," was to refer to the Plant, not the Superfund Site, and that EPA's intent in using the term "Site," was to refer to the Superfund Site, not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

To the best of our knowledge, and consistent with EPA's conclusion in the 2013 ROD for the Superfund Site, discharges from the Plant from January 4, 2007 to the present are and have been subject to TPDES permits.

REQUEST 3

- 3. Provide the following information about the Facility during the time the Respondent owned/operated the Facility. This information shall include, but not be limited to, the following:*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous. INEOS further objects to this specific request because the definition of "Facility" is nonsensical. Finally, INEOS objects to this specific request because it is overly broad and unduly burdensome in that it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the term "Facility," was to refer to the Plant, not the Superfund Site, and that EPA's intent in using the term "Site," was to refer to the Superfund Site, not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the

General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS owns and operates an inorganic chemical manufacturing plant (previously defined as the "Plant") that is authorized by TPDES Permit No. WQ0004731000 issued pursuant to Clean Water Act Section 402 and Texas Water Code Chapter 26 to treat and discharge wastewater via Outfall 001 to unnamed ditch No. 1, thence to unnamed ditch No. 2, thence to unnamed ditch No. 3, thence to the Star Lake Canal, thence to the Neches River Tidal in Segment No. 601 of the Neches River Basin. INEOS is also authorized by TPDES Multi-Sector General Permit No. TXR05DP74 to discharge storm water associated with industrial activity as defined in 40 CFR 122.26(b)(14) via the same Outfall 001 along the same route.

SUBPART 3.a.

a. Location of all outfalls, active and inactive, including coordinates and dates of use;

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous. INEOS further objects to this specific request because the definition of "Facility" is nonsensical. Finally, INEOS objects to this specific request because it is overly broad and unduly burdensome in that it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the term "Facility," was to refer to the Plant, not the Superfund Site, and that EPA's intent in using the term "Site," was to refer to the Superfund Site, not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS has one active outfall. To the knowledge of INEOS, the location of the outfall has not changed. The outfall is known as Outfall 001. Its latitude in decimal degrees is 29.96403° and the longitude in decimal degrees is 93.92256°.

Additional information responsive to this specific request is Bates-labeled EPA-INEOS-104(e)-000015.

SUBPART 3.b.

b. Past and present storm water drainage systems (including subsurface disposal fields, and other underground structures). Also include where, when, and how such systems were emptied;

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous. INEOS further objects to this specific request because the definition of "Facility" is nonsensical. Finally, INEOS objects to this specific request because it is overly broad and unduly burdensome in that it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the term "Facility," was to refer to the Plant, not the Superfund Site, and that EPA's intent in using the term "Site," was to refer to the Superfund Site, not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

The Plant's storm water drainage system for storm water associated with industrial activity regulated by 40 CFR 122.26(b)(14) is above ground. Respondent has no knowledge of past usage of storm water subsurface disposal fields or underground structures.

Additional information responsive to this specific request is Bates-labeled EPA-INEOS-104(e)-00016 through EPA-INEOS-104(e)-00021.

SUBPART 3.c.

- c. Past and current maps, photographs, and drawings of the Facility in your possession that show the historical development, growth, or change of the Facility from its inception up to its current state. This information shall include past and current aerial photographs of the Facility or parts of the Facility for this purpose.*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous. INEOS further objects to this specific request because the definition of "Facility" is nonsensical. INEOS objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the term "Facility," was to refer to the Plant, not the Superfund Site, and that EPA's intent in using the term "Site," was to refer to the Superfund Site, not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

The Facility Map that was submitted as part of the Plant's most recent application to amend and renew TPDES Permit No. WQ0004731000 for discharge from the Plant filed in May 2021 is included in the Bates range noted below. The Facility Map provides some information on locations of a closed fresh water pond and a closed surface impoundment.

Additional information responsive to this specific request is Bates-labeled EPA-INEOS-104(e)-00022.

REQUEST 4

4. *Identify all past and present solid waste management units which have had releases of hydraulic connections (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on or about the Facility to the Site during the time the Respondent owned/operated the Facility. This information shall include, but not be limited to, the following:*

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, (iii) the documents requested are publicly available and/or already in EPA's possession, and (iv) it requests information that predates January 4, 2007. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS has no knowledge whether such a release has occurred, other than discharges from the Plant subject to its TPDES permits, which EPA concluded in the 2013 ROD for the Superfund Site were, in fact, discharged in accordance with such permits, and as a result, should not contribute to contamination at the Superfund Site.

SUBPART 4.a.

- a. A map showing the boundaries and locations of all known active/inactive solid waste management units whether they are currently in operation, not in operation, open to the atmosphere, backfilled, or buried. This map should be drawn to scale, if possible, and shall clearly indicate the exact location of each unit with respect to the major features of the Facility;*

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, and (iii) the documents requested are publicly available and/or already in EPA's possession. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the

General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

See the map attached in response to Subpart 3.c. to Section 2 of the Requests for Documents (which has been reattached in response to this specific subpart to ensure clarity with regard to which documents are responsive to which requests/subparts). To the knowledge of INEOS, the active solid waste management units are in the same locations they were in 2007.

Additional information responsive to this specific request is Bates-labeled EPA-INEOS-104(e)-00023.

SUBPART 4.b.

- b. The types of units, including their sizes (including vertical and horizontal dimensions) and capacities (including gallon, barrels, cubic and square feet);*

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, and (iii) the documents requested are publicly available and/or already in EPA's possession. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection), and the objections to this specific request, INEOS responds as follows:

Information on the two active surface impoundments is included on the attached page from the application for amendment and renewal of TPDES Permit No. WQ0004731000, filed in May 2021.

Additional information responsive to this specific subpart is Bates-labeled EPA-INEOS-104(e)-00024.

SUBPART 4.c.

c. The dates that the units were in use;

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, (iii) the documents requested are publicly available and/or already in EPA's possession, and (iv) it requests information that predates January 4, 2007. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

Information on the dates that waste management units have been in use at the Plant are shown on the attached Notice of Registration ("NOR").

Additional information responsive to this specific subpart is Bates-labeled EPA-INEOS-104(e)-00025 through EPA-INEOS-104(e)-00043.

SUBPART 4.d.

- d. *The purpose and the current/past usage (e.g., disposal, storage, or spill containment, etc.) of the units;*

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, (iii) the documents requested are publicly available and/or already in EPA's possession, and (iv) it requests information that predates January 4, 2007. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

See the NOR attached in response to Subpart 4.c. of Section 2 of the Requests for Documents (which has been reattached in response to this specific subpart to ensure clarity with regard to which documents are responsive to which requests/subparts), which includes information on usage. Also attached are pages 3 of 76 and 7 of 76 from the application for amendment and renewal of TPDES Permit No. WQ0004731000, filed in May 2021, which include information related to current usage of the surface impoundments.

Additional information responsive to this specific subpart is Bates-labeled EPA-INEOS-104(e)-00044 through EPA-INEOS-104(e)-00064.

SUBPART 4.e.

- e. The quantity and types of materials (e.g., hazardous substances and any other chemicals) located in each unit;*

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, and (iii) the documents requested are publicly available and/or already in EPA's possession. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

See the NOR attached in response to Subpart 4.c. of Section 2 of the Requests for Documents (which has been reattached in response to this specific subpart to ensure clarity with regard to which documents are responsive to which requests/subparts), which indicates the types of materials located in the solid waste management units. Also attached are the Water Balance and Flow Schematic included in the application for amendment and renewal of TPDES Permit No. WQ0004731000, filed in May 2021, which include information on the materials located in the surface impoundments. Finally, also attached is the inventory of exposed materials from pages 16-17 of the Plant's Storm Water Pollution Prevention Plan.

Additional information responsive to this specific subpart is Bates-labeled EPA-INEOS-104(e)-00065 through EPA-INEOS-104(e)-00086.

SUBPART 4.f.

- f. The construction (e.g., materials and composition, liners, leak detection systems, etc.), dates of cleaning, and the condition of each unit;*

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, (iii) the documents requested are publicly available and/or already in EPA's possession, and (iv) it requests information that predates January 4, 2007. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

See the NOR attached in response to Subpart 4.c. of Section 2 of the Requests for Documents (which has been reattached in response to this specific subpart to ensure clarity with regard to which documents are responsive to which requests/subparts), which notes that other than container storage areas, the only active solid waste management units are two surface impoundments. To the knowledge of INEOS, sludge has not been removed from either of the two active surface impoundments since January 4, 2007. The surface impoundments are described in the most recently filed application to amend and renew TPDES Permit No. WQ0004731000, filed in May 2021. See the page from the application attached in response to Subpart 4.b. of Section 2 of the Requests for Documents (which has also been reattached in response to this specific subpart to ensure clarity with regard to which documents are

responsive to which requests/subparts). Finally, also attached are pages 15-17 of the Plant's TPDES permit, issued in December 2017, which include requirements for maintenance and use of the surface impoundments.

Additional information responsive to this specific subpart is Bates-labeled EPA-INEOS-104(e)-00087 through EPA-INEOS-104(e)-00108.

SUBPART 4.g.

- g. If a unit is no longer in use, how each unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit, and*

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, (iii) the documents requested are publicly available and/or already in EPA's possession, and (iv) it requests information that predates January 4, 2007. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

See the NOR attached in response to Subpart 4.c. of Section 2 of the Requests for Documents (which has been reattached in response to this specific subpart to ensure clarity with regard to which documents are responsive to which requests/subparts), which references a surface

impoundment that was closed in 1992. The location of that closed surface impoundment is shown on the Facility Map attached in response to Subpart 3.b. of Section 2 of the Requests for Documents (which has been reattached in response to this specific subpart to ensure clarity with regard to which documents are responsive to which requests/subparts). The action occurred before INEOS's ownership of the Plant, and prior to 2007. To INEOS's knowledge, no solid waste management units have been closed since 2007.

Additional information responsive to this specific subpart is Bates-labeled EPA-INEOS-104(e)-00109 through EPA-INEOS-104(e)-00128.

SUBPART 4.h.

h. Corrective action initiated voluntarily or required by Federal, State or local laws or regulations.

RESPONSE

INEOS objects to this specific request to the extent that (i) it is overbroad, (ii) it requests documents not within the possession, custody, or control of INEOS, and (iii) the documents requested are publicly available and/or already in EPA's possession. INEOS further objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. Accordingly, based on a literal reading of this specific request incorporating the defined terms, this specific request asks INEOS to opine as to whether there have been any releases from the Star Lake Canal Superfund Site to the Star Lake Canal Superfund Site. Assuming that EPA intended "Facility" to mean the Plant, and not the Star Lake Canal Superfund Site, a literal reading of this specific request (with what we believe is the intent substituted with respect to Facility) would still be nonsensical – *i.e.*, waste piles, landfills, surface impoundments, etc., cannot themselves, in their physical entirety, be released. They are physical features set at a specific point on land such that they do not move (other than to the extent that the Earth's crust "moves" over geologic time). INEOS further objects to this specific request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that by "which have had releases of hydraulic connections . . . on or about the Facility to the Site" you mean whether there have been releases *from* these features/units at the Plant, which then traveled through the multiple ditches and other conveyances (noted in response to Request 3 of Section 2 of the Requests for Documents) to the Star Lake Canal Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

To INEOS's knowledge, no corrective actions have been initiated since 2007.

REQUEST 5

5. *Identify all leaks, spills, or releases of any hazardous substances from the Facility into the Site that have occurred since January 4, 2007 to 2021. This information shall include, but not be limited to, when and where such releases occurred (e.g., from the surface impoundments). This information shall also include maps, drawings, and aerial photographs of the exact location of these releases.*

RESPONSE

INEOS objects to this specific request because it is vague, ambiguous, and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. To the extent the intent of the request was for "Facility" to mean the Plant, INEOS objects to this specific request because it (i) is overbroad to the extent it requests information prior to 2007, (ii) requests documents not within the possession of INEOS, and (iii) to the extent the documents requested are publicly available and/or already in EPA's possession. INEOS further objects to this request because it identifies very specific information in an enumerated list, but then requires INEOS to enter into an unreasonable guessing game with respect to what additional information EPA may be requesting with respect to use of the phrase "but not be limited to."

However, in order to facilitate EPA's review, the following response assumes that EPA's intent, in using the term "Facility," was to refer to the Plant, not the Superfund Site, and that EPA's intent in using the term "Site," was to refer to the Superfund Site, not the Plant.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

To the extent EPA is requesting information on releases from the Plant, Respondent is not aware of leaks, spills, or releases of hazardous substances from the Plant since execution of the EPA Settlement Agreement, except discharges subject to TPDES Permit No. WQ0004731000 and/or TPDES Permit No. TXR05DP74, which EPA concluded in the 2013 ROD for the Superfund Site were, in fact, discharged in accordance with such permits, and as a result, should not contribute to contamination at the Superfund Site.

REQUEST 6

6. *Provide copies of all Federal, State, and local environmental permits ever granted for the Facility and the activities at the Facility (e.g., RCRA and NPDES, dredging permits, etc.) during the time the Respondent owned, operated or leased the Facility or a portion thereof.*

RESPONSE

INEOS objects to this specific request because it is vague, ambiguous and nonsensical in that "Facility" is defined in the Request as the Star Lake Canal Superfund Site. To the extent the intent of the request was for "Facility" to mean the Plant, INEOS objects to this specific request (i) because it is overbroad to the extent it requests information prior to 2007, (ii) because it requests

documents not within the possession of INEOS, and (iii) to the extent the documents requested are publicly available and/or already in EPA's possession.

However, in order to facilitate EPA's review, the following response assumes that you intended "Facility" to refer to the Plant, not the Superfund Site.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

Attached is a copy of certain pages from TCEQ's website that provide some information on environmental permits issued by the TCEQ to INEOS covering discharges from the Plant. Also attached is a copy of TPDES Permit No. WQ000473100, issued in December 2017.

Additional information responsive to this specific request is Bates-labeled EPA-INEOS-104(e)-00129 through EPA-INEOS-104(e)-00147.

REQUEST 7

7. *Provide copies of all past and current reports or information related to ground water or surface water contamination which may impact or have impacted the waters of Star Lake and Jefferson Canals, Groves Drainage Ditch, and Molasses Bayou, including each surface water body's sediments.*

RESPONSE

INEOS objects to this specific request because it is overbroad, unreasonable, and beyond EPA's authority under Section 104(e) of CERCLA in that it has no relationship to the Plant, but rather, would appear to request that INEOS conduct research regarding historic water contamination in the general area.

Subject to the General Qualifications and the Reservations of Rights and Defenses, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

INEOS directs EPA to its own administrative record for the Superfund Site, including, in particular, the 2013 ROD, wherein, as noted above, EPA concludes that discharges from the Plant were in accordance with Plant permits, and as a result, should not contribute to contamination at the Superfund Site.

REQUEST 8

8. *Has Respondent performed any sampling of the sediments mentioned in the above Question 7.*

RESPONSE

INEOS objects to this specific request, which is a follow up to the preceding request, because that request, and by extension this specific request, is overbroad, unreasonable, and beyond EPA's authority under Section 104(e) of CERCLA in that it has no relationship to the Plant, but rather, would appear to request that INEOS conduct research regarding historic water contamination in the general area.

Subject to the General Qualifications and the Reservations of Rights and Defenses, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

As noted, this specific request does not appear to be related to the Plant. In order to facilitate EPA's review, however, INEOS notes that it is not aware of any sediment sampling at the Plant since INEOS settled its alleged CERCLA liability with EPA on January 4, 2007.

FIRST UNNUMBERED SUBPART

If so, and the results were submitted to the Texas Commission on Environmental Quality (TCEQ) or the EPA, please identify the sampling results documents so they can be retrieved and reviewed by the EPA.

RESPONSE

INEOS objects to this specific request, which is a follow up to the preceding request, because that request, and by extension this specific request, is overbroad, unreasonable, and beyond EPA's authority under Section 104(e) of CERCLA in that it has no relationship to the Plant, but rather, would appear to request that INEOS conduct research regarding historic water contamination in the general area.

Subject to the General Qualifications and the Reservations of Rights and Defenses, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

N/A.

SECOND UNNUMBERED SUBPART

If the results were not submitted to TNRCC or EPA, please provide them to the EPA.

RESPONSE

INEOS objects to this specific request, which is a follow up to the preceding request, because that request, and by extension this specific request, is overbroad, unreasonable, and beyond EPA's authority under Section 104(e) of CERCLA in that it has no relationship to the Plant, but rather, would appear to request that INEOS conduct research regarding historic water contamination in the general area.

Subject to the General Qualifications and the Reservations of Rights and Defenses, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

N/A.

SUBPART 8.a.

- a. If Respondent's answer to this question is yes, please explain and provide copies of all documents having information about the disposal/release of such hazardous substance(s).*

RESPONSE

INEOS objects to this specific request, which is a follow up to the preceding request, because that request, and by extension this specific request, is overbroad, unreasonable, and beyond EPA's authority under Section 104(e) of CERCLA in that it has no relationship to the Plant, but rather, would appear to request that INEOS conduct research regarding historic water contamination in the general area.

Subject to the General Qualifications and the Reservations of Rights and Defenses, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

N/A.

REQUEST 9

- 9. Has Respondent ever leased, rented, or in any other way allowed any person(s) and/or any business entity/entities to dispose/release any hazardous substance onto Its Molasses Bayou Property?*

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous, and because it incorporates the undefined term "Its Molasses Bayou Property" which is similarly vague and ambiguous, but also nonsensical as applied to INEOS.

However, in order to facilitate EPA's review, INEOS is assuming that this specific request was mistakenly imported from another template or "go-by" used by EPA in developing the Request.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

Because INEOS is not aware of what EPA is referring to by "Its Molasses Bay Property" and because INEOS has no such property, responding to this specific request in the negative is problematic because such a response would suggest that INEOS does, in fact, have a "Molasses Bay Property, when, in reality, it does not.

UNNUMBERED SUBPART

If Respondent's answer to this question is yes, please explain and provide a copy of all lease agreements, all rental agreements, and/or other written agreements that granted/allowed the disposal/release of a hazardous substance onto Its Molasses Bayou Property.

RESPONSE

INEOS objects to this specific request because it is vague and ambiguous in that it incorporates multiple defined terms, the definitions of which are themselves vague and ambiguous, and because it incorporates the undefined term "Its Molasses Bayou Property" which is similarly vague and ambiguous, but also nonsensical as applied to INEOS.

However, in order to facilitate EPA's review, INEOS is assuming that this specific request was mistakenly imported from another template or other "go-by" used by EPA in developing the Request.

Subject to the General Qualifications, the Reservations of Rights and Defenses, and the assumptions necessary to respond to this specific request, and without waiving or limiting the General Objections, the Specific Objections to Instructions and Definitions, the Additional Instruction Objection, and the objections to this specific request, INEOS responds as follows:

N/A.

* * *

INEOS appreciates EPA's patience and is hopeful that this Response will help facilitate EPA's review. If you have any questions, please do not hesitate to contact me at 512.494.3659.

Sincerely,



Matthew G. Paulson
Counsel for INEOS Calabrian Corporation

Enclosures

cc: Edwin Quinones, Assistant Regional Counsel, EPA Region 6, via email
Elizabeth Keeneth, Chief Operating Officer, INEOS Calabrian Corp., via email
Mark Screen, Plant Manager, INEOS Calabrian Corp., via email
Juliet Lewis, Head of Legal, INEOS Enterprises, via email
Sara Burgin, Bracewell LLP, via email